

Message Text

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ORIGIN L-03

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DRAFTED BY L/PM:JAROHWER:PAT
APPROVED BY ARA:TATODMAN
L - H. HANSELL
ARA - W. LUERS, ACTING
NSC - B PASTOR
DOD/ISA - W. SLOCOMBE
ACDA - C. VAN DOREN
ARA/CAR - J. THYDEN
PM/DCA - R. TOYE
S/S:SESTEINER

-----210109Z 114886 /20
O 202304Z MAY 77
FM SECSTATE WASHDC
TO A/USACC FORT BUCHANAN IMMEDIATE

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PASS SECRETARY OF STATE REINALDO PANIAGUA

E.O. 11652: N/A

TAGS: PFOR, XMPQ

SUBJECT: POSSIBLE RESERVATION TO U.S. ADHERENCE TO
PROTOCOL I TO THE TREATY OF TLATELOLCO

FOR SECRETARY OF STATE OF PUERTO RICO FROM ASSISTANT
SECRETARY OF STATE TERENCE TODMAN

1. I WOULD APPRECIATE THE OPINION OF YOUR GOVERNMENT ON A
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MATTER OF IMPORTANCE WHICH MUST BE DECIDED IN THE NEXT FEW
DAYS.

2. AS YOU KNOW, PRESIDENT CARTER SAID IN HIS PAN AMERICAN
DAY SPEECH THAT THE UNITED STATES WOULD SIGN PROTOCOL I TO
THE TREATY OF TLATELOLCO AND HE WOULD SEEK APPROVAL OF
THE UNITED STATES SENATE TO RATIFY IT. IN HIS TELEPHONE

CONVERSATION WITH GOVERNOR ROMERO, VICE PRESIDENT MONDALE EXPLAINED THAT THE OBLIGATIONS OF THE UNITED STATES UNDER PROTOCOL I WOULD APPLY IN PUERTO RICO. THESE OBLIGATIONS NOTABLY INCLUDE UNDERTAKINGS TO KEEP THE TERRITORY OF PUERTO RICO FREE OF NUCLEAR WEAPONS AND TO ENTER INTO AN AGREEMENT WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY TO SUBJECT ALL PEACEFUL NUCLEAR ACTIVITIES IN PUERTO RICO TO THAT AGENCY'S SAFEGUARDS.

3. THE EXECUTIVE BRANCH IS NOW CONSIDERING WHAT INTERPRETIVE STATEMENTS THE UNITED STATES SHOULD ATTACH TO ITS RATIFICATION TO MAKE CLEAR THE CHARACTER OF THE OBLIGATIONS IT WILL ASSUME. IN THIS CONNECTION, WE ARE DELIBERATING WHETHER PUERTO RICO SHOULD CONTINUE TO BE COVERED BY THE PROTOCOL IN THE EVENT IT BECOMES A STATE OF THE UNITED STATES. OUR LAWYERS BELIEVE THAT UNLESS THE UNITED STATES RESERVES THIS POINT WHEN IT RATIFIES THE PROTOCOL, THE OBLIGATION OF THE UNITED STATES TO KEEP PUERTO RICO FREE OF NUCLEAR WEAPONS COULD NOT BE REMOVED IF PUERTO RICO BECAME A STATE. (IF PUERTO RICO BECAME INDEPENDENT, THE PROTOCOL WOULD AUTOMATICALLY CEASE TO APPLY TO IT, AND IT WOULD BE ELIGIBLE TO ADHERE TO THE BASIC TREATY.)

4. WE BELIEVE A PROVISION OF THIS KIND WOULD BE LEGALLY POSSIBLE, BUT IT MIGHT NOT BE WELL RECEIVED IN LATIN AMERICA, AND IT COULD BE USED BY STATES THAT HAVE NOT ADHERED TO THE TREATY OF TLATELOLCO AS A PRETEXT FOR CONTINUING TO AVOID ADHERENCE.
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5. WE WOULD APPRECIATE HAVING THE ADVICE OF YOUR GOVERNMENT AS SOON AS POSSIBLE ON WHETHER OR NOT IT IS IMPORTANT FOR PUERTO RICAN INTERESTS THAT THE UNITED STATES MAKE AN INTERPRETIVE STATEMENT ON THIS QUESTION, SINCE THE PRESIDENT WOULD INTEND TO SIGN THE PROTOCOL ON MAY 26.

6. I WISH TO EMPHASIZE TO YOU THAT IN NO WAY WILL OUR DECISION ON SUCH A RESERVATION INFLUENCE FUTURE DECISIONS BY THIS ADMINISTRATION ABOUT PUERTO RICO'S POLITICAL RELATIONSHIP WITH THE UNITED STATES. CHRISTOPHER

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